

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

RESOLUTION NO. R7-2004-0018

A Resolution Amending the Colorado River Basin Water Quality Control Plan
To
Establish a Bacteria Indicators Total Maximum Daily Load for
Palo Verde Outfall Drain

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Board), finds that:

1. An updated Water Quality Control Plan for the Colorado River Basin (Basin Plan) was adopted by the Regional Board on November 17, 1993, approved by the State Water Resources Control Board (SWRCB) on February 17, 1994, and approved by the Office of Administrative Law on August 3, 1994.
2. Warm freshwater habitat (WARM), wildlife habitat (WILD), preservation of rare, threatened, and endangered species (RARE), water contact recreation (REC I), and non-contact recreation (REC II), are the beneficial uses designated for Palo Verde Outfall Drain.
3. Water quality objectives are not being met in Palo Verde Outfall Drain because natural background sources and indirect discharges of bacteria-laden agricultural tilewater and failing septic systems contribute pathogens to Palo Verde Outfall Drain and adversely impact the beneficial uses.
4. Pursuant to Section 303(d) of the Clean Water Act, Palo Verde Outfall Drain is listed as water quality limited because of pathogen impairments. Section 303(d) of the Clean Water Act requires the establishment of the Total Maximum Daily Load (TMDL) of pathogens that can be discharged while still ensuring compliance with water quality standards. Section 303(d) also requires the allocation of this TMDL among sources of pathogens, together with an implementation plan and schedule that will ensure that the TMDL is met and that compliance with water quality standards is achieved.
5. The Regional Board has reviewed the Palo Verde Outfall Drain Bacteria Indicators Project Report.
6. The Project Report and related Basin Plan amendment attached to this resolution meet the requirements of Section 303(d) of the Clean Water Act. The amendment requires, in part, nonpoint source Management Practices (MPs) to control pathogen inputs to provide a reasonable assurance that water quality standards will be met.
7. The Regional Board prepared and distributed written reports regarding adoption of the Basin Plan amendment in compliance with applicable state and federal environmental regulations (Title 23, California Code of Regulations, Section 3775 et seq.; and Title 40, Code of Federal Regulations, Parts 25 and 131).
8. The process of basin planning has been certified by the Secretary for Resources as exempt from the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) to prepare an Environmental Impact Report or Negative Declaration. In accordance with California Code of Regulations Title 23, §§3777-3781, a written Project Report, an Environmental Checklist, an assessment of the environmental impacts of the Basin Plan amendment, and a discussion of alternatives, among other analyses were prepared. The CEQA Checklist and CEQA Checklist

Discussion take into account a reasonable range of environmental, economic, and technical factors. CEQA analysis determined that the proposed Basin Plan amendment would not have a significant adverse effect on the environment. The Regional Board certifies that the CEQA analysis has been completed in compliance with CEQA; the CEQA analysis was presented to Regional Board, which reviewed and considered analysis before adopting this amendment, and the CEQA analysis reflects the Regional Board's independent judgment and analysis.

9. The Regional Board has considered federal and state antidegradation policies and other relevant water quality control policies and finds the Basin Plan amendment consistent with those policies.
10. On July 16, 2002 a Public CEQA Scoping Meeting was held in Blythe, CA. Also, a public information meeting regarding the TMDL process was conducted in Blythe on November 19, 2002.
11. Consistent with Title 23, California Code of Regulations, Sections 3778 through 3780, Regional Board staff consulted about the proposed action with stakeholders in the Region and with other potentially affected parties and considered and addressed comments on the matter.
12. On, (date) the Regional Board held a Public Hearing to consider the TMDL Report and the Basin Plan amendment. Notice of the Public Hearing was given to all interested persons and published in accordance with Water Code Section 13244 and Title 40, Code of Federal Regulations, Part 25.
13. The Basin Plan amendment must be submitted for review and approval by the SWRCB, Office of Administrative Law (OAL), and U.S. Environmental Protection Agency. Once approved by the SWRCB, the amendment is submitted to OAL. A Notice of Decision will be filed after the SWRCB and OAL have acted on this matter. The SWRCB will forward the approved amendment to the U.S. Environmental Protection Agency for review and approval.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Regional Board adopts the amendment to the Water Quality Control Plan for the Colorado River Basin as set forth in the attached Basin Plan Amendment to establish Palo Verde Outfall Drain Bacteria Indicators TMDL.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the SWRCB in accordance with the requirement of Section 13245 of the California Water Code.
3. The Regional Board requests that the State Water Resources Control Board approve the Basin Plan amendment in accordance with Sections 13245 and 13246 of the California Water Code and forward it to the Office of Administrative Law and United States Environmental Protection Agency for approval.
4. The Executive Officer is directed to file a Notice of Decision with the California Secretary for Resources after OAL approval of the Basin Plan amendment, in accordance with Section 21080.5(d) (2)(E) of the Public Resources Code and Title 23, California Code of Regulations, Section 3781.
5. If during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

I, Phil Gruenberg, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on

Phil Gruenberg
Executive Officer